

Case No. F7483(V)

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

The specification has been amended to insert further section headings as requested by the Office.

The Office objects to the amendment filed January 24, 2005 as introducing new matter into the disclosure. Applicants respectfully traverse this rejection. In the last sentence of the paragraph bridging pages 11 and 12 of the specification and ending on line 16 of page 12, it is stated that after the time required to perform the process, "the process is stopped and the product is removed via outlet feed door (8) and cooled in the cooling chamber (9)." The Office asserted without discussion that reciting the process as a batch process is new matter. While the amendment adds new language, it is submitted that it does not add new matter. It is submitted that the cited passage describes a batch process so that the amendment merely renders explicit what had been implicitly disclosed originally. See In re Wright, 145 USPQ 182,188. "[W]hile new *language* has certainly been added, not all new language is new matter. 145USPQ at 188.

The Office rejects claims 13-21 as being indefinite for reciting a springiness comparable with that of cooked untreated rice and a firmness comparable with that of cooked untreated rice. Table 2 on page 13 of the specification presents a comparison of product properties of different rice products evaluated by a sensoric panel. The inventive rice and the untreated rice, in addition to several other rices, are evaluated both for firmness and for springiness. It is submitted that in view of Table 2 and other teachings in the specification one of ordinary skill would well be able to ascertain what is comparable to cooked untreated rice.


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As to the rejection based on Greethead, the Office indicates that "[p]roperties such as 'springiness', 'poor distribution', 'colour', 'cracks', 'rim' and 'internal sponge' would have inherently been possessed by the Greethead due to the use of identical materials and treatment parameters." However, it is not apparent how the Office arrives at this conclusion since Greethead does not appear to teach a batch process and indeed uses a cyclone which, the undersigned has been informed, is indicative of a continuous process. Thus it is not at all apparent that properties such as springiness, etc. would have inherently been possessed by the product of Greethead.

Heki et al. US Patent No. 3,701,667 is directed to a process for puffing gelatinized rice grains. For Heki et al., "[i]t is required that the respective gelatinized rice grains to be used in the present invention be completely gelatinized..." (last paragraph, col. 2) In contrast, for Greethead, their quick cooking rice may be employed in the production of gelatinised rice and "[d]epending upon the operating conditions, the rice is generally in a non-gelatinised form (col 3)." Moreover, the Heki et al. and Greethead apparatuses are different. In view at least of these differences, it is not apparent why one of ordinary skill would assume that one could or should use Heki's batch processing in Geethead's cylcone process.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,


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